

**11. Adulteration of Andree Eye Lash and Brow Colure. U. S. v. 72 Capsules of Andree Permanent Eye Lash and Eye Brow Colure. Default decree of condemnation and destruction. (F. D. C. No. 562. Sample No. 47483-D.)**

This cosmetic contained paraphenylenediamine, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed in its labeling, or under such conditions of use as are customary or usual.

On September 7, 1939, the United States attorney for the District of Columbia filed a libel against 72 capsules of the above-named product at Washington, D. C.; alleging that the article was being offered for sale in the District of Columbia at the Metropolitan Beauty Shop, Washington, D. C.; and charging that it was adulterated. The article was received by the dealer in box labeled in part: "Andree Permanent Eye Lash and Brow Colure. This Colure Contains No Lead Nor Silver. Andree Laboratories P. O. Box 253 Coatesville, Penna."

On September 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**12. Adulteration of Dark Eyes. U. S. v. 54 Boxes and 9½ Dozen Packages of Dark Eyes. Default decrees of condemnation and destruction. (F. D. C. Nos. 51, 74. Sample Nos. 19572-D, 19573-D, 21542-D, 21543-D.)**

This cosmetic contained poisonous and deleterious substances—ammoniated silver nitrate and pyrogallol, which might have rendered it injurious to users under the conditions of use prescribed in the labeling quoted hereinafter.

On August 11 and September 16, 1938, the United States attorneys for the District of Minnesota and the Eastern District of Michigan filed libels against 54 boxes of Dark Eyes at St. Paul, Minn., and 9½ dozen packages of the same product at Detroit, Mich.; alleging that the article had been shipped in interstate commerce by Dark Eyes from Chicago, Ill., on or about July 12 and 20, 1938; and charging that it was adulterated.

It was labeled in part: (Carton) "'Dark Eyes' Eyelash and Eyebrow Indelible Darkener \* \* \* Conforms with rulings of leading boards of health"; (bottles) "Read directions"; (on some bottles) "Black"; (on other bottles) "Brown"; (circular enclosed in the packages) "'Dark Eyes' Indelible Darkener Directions for use. 1. Cleanse lashes and brows carefully with luke warm water, using small amount of soap if lashes and brows are oily. 2. Apply cleansing cream to eyelids, below the eye and around the brows. Be careful not to allow the cream to touch either lashes or brows. 3. Apply 'Dark Eyes' No. 1 to the upper lashes with an upward stroke and to the lower lashes by gently stroking downward. 4. Now use the other brush to apply 'Dark Eyes' No. 2 to the upper and lower lashes in the same manner as 'Dark Eyes' No. 1. If after making this application you desire a darker shade, repeat the application of 'Dark Eyes' No. 1 and No. 2 until the desired shade is obtained. 5. Use moistened cotton to remove excess darkener from the lashes. 6. Now you are ready to darken the eyebrows. Apply 'Dark Eyes' No. 1 and 'Dark Eyes' No. 2 to both brows as you did the lashes and remove immediately. We suggest the use of a cotton swab and cleansing cream, removing the last traces of the darkener and the cream with cleansing tissues or cotton. 7. During the treatment should the skin accidentally become stained, apply cream and wash gently with soap and water. Never mix No. 1 and No. 2 and be sure to keep the brushes separate."

On October 12 and 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### HAIR DYES

**13. Adulteration of Eau Sublime Hair Coloring. U. S. v. 11 Dozen Packages of Eau Sublime Instantaneous Hair Coloring. Default decree of condemnation and destruction. (F. D. C. No. 144. Sample No. 42092-D.)**

Each carton of this product contained two bottles, one labeled "A" contained paraphenylenediamine and the one labeled "B" contained a solution of approximately 6 percent of hydrogen peroxide. It was a hair dye and was not labeled in the manner required by law.

On January 30, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 11 dozen packages of Eau Sublime Instantaneous Hair Coloring.

taneous Hair Coloring at Philadelphia, Pa.; alleging that the article had been shipped on or about December 9, 1938, by the Gullmard Co., Inc., from New York, N. Y.; and charging that it was adulterated. The article was labeled in part: (Carton) "Jet Black No. 1 Eau Sublime Instantaneous Hair-Coloring Net Weight 2 Ounces \* \* \* Caution:—This product contains an aniline derivative which may cause skin irritation on certain individuals, and a preliminary test according to accompanying directions should first be made. \* \* \* Manufactured by The Gullmard Co., Inc. New York."

Adulteration was alleged in that the article contained hydrogen peroxide and paraphenylenediamine, which might have rendered it injurious to users under the conditions of use prescribed in the labeling, and the carton label and the label of bottle "B" did not bear the statement, "Caution—this product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows. To do so may cause blindness," required by the act.

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**14. Adulteration of Madam Marva Hair Coloring. U. S. v. 62 Packages of Madam Marva Hair Coloring. Default decree of condemnation and destruction. (F. D. C. No. 108. Sample No. 46330-D.)**

This product was a hair dye containing paraphenylenediamine and was not labeled in the manner required by law in the case of such preparations.

On January 7, 1939, the United States attorney for the Northern District of Illinois filed a libel against 62 packages of Madam Marva Hair Coloring at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 27, 1938, by the Madam Marva Products Co. from St. Louis, Mo.; and charging that it was adulterated.

The article was labeled in part: (Carton) "Important. Because a few people cannot use certain foods or drugs with immunity the instructions and directions on the enclosed folder must be read and followed carefully. Beauty operators using this preparation in their shops must comply specifically with the conditions on the enclosed folder. The perishable nature of the contents of this package makes it necessary that for the most efficient results it should be used prior to Sep. 39"; (circular) "This Preparation Is Not Intended For Use On Eyelashes Or Eyebrows. Important Instructions A few people according to medical authorities have an idiosyncrasy towards certain foods, drugs and chemicals. As an example, so harmless a food as Strawberries may cause certain people to 'break out' with a rash. Likewise, Quinine a very widely used drug will occasionally cause a rash or 'breaking out'. To determine whether you are susceptible to this type of dye, mix same as stated in directions, now moisten a piece of cotton with this mixture and apply it to a washed surface of the skin on the inside fold of the elbow. Allow this cotton to remain in place by bandaging over night, and if at any time during this period irritation should occur, remove the cotton immediately and wash with soap and water. This indicates that you cannot use this type of dye, and it should not be applied to the hair. If no reaction occurs proceed to dye hair as stated in the directions. Notice To Hairdressers Beauty operators using this preparation in their establishments must instruct their customer as to the properties of this dye, and must require the customer to sign this direction and instruction sheet, after carefully reading and making the test as called for. Failure to do so will place responsibility for its use with you. Madame Marva Products Co. St. Louis, Mo."

Adulteration was alleged in that the article contained paraphenylenediamine, which might have rendered it injurious to users under conditions of use prescribed in the labeling, its label did not bear the statement, "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness," and its labeling did not bear adequate directions for such preliminary testing.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.